

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED  
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DATE FILED: 3/16/2020

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JENNY RAMGOOLIE,	:	
	:	
Plaintiff,	:	
	:	16-CV-3345 (VEC)(SN)
-against-	:	
	:	<u>ORDER</u>
ANDY RAMGOOLIE,	:	
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on May 19, 2016, the Court referred this case to Magistrate Judge Netburn for general pretrial and dispositive motions (Dkt. 3);

WHEREAS on September 6, 2018, the Court adopted Judge Netburn's Report and Recommendation with minimal modification, denying the parties' cross-motions for summary judgment, granting Plaintiff's motion for sanctions, and ordering Defendant to pay "the reasonable attorney's fees and costs that Plaintiff incurred in connection with her motion to compel and motion for sanctions" (Dkts. 139, 149);

WHEREAS on April 5, 2019, Judge Netburn awarded Plaintiff attorneys' fees and costs in the total amount of \$18,712.32 (Dkt. 189);

WHEREAS in May 2019 Defendant made two payments to Plaintiff totaling \$5,500 (Dkts. 201, 210);

WHEREAS on July 1, 2019, Plaintiff moved for a finding of civil contempt against Defendant for failure to pay the remaining unpaid portion (\$13,212.32) of the award (Dkt. 199);

WHEREAS on July 31, 2019, Defendant opposed the motion, arguing that he is unable to pay the remaining portion of the award (Dkts. 210–11);

WHEREAS on August 20, 2019, the Court cancelled the referral to Judge Netburn for reports and recommendations as to Plaintiff's motion for discovery sanctions (Dkt. 215);

WHEREAS on September 10, 2019, the Court granted Plaintiff's motion for sanctions and entered default judgment against Defendant (Dkt. 216);

WHEREAS on September 10, 2019, the Court entered an Amended Order of Reference to Judge Netburn for specific non-dispositive motions/disputes, including Plaintiff's motion for a finding of civil contempt (Dkt. 217);

WHEREAS on February 13, 2020, Judge Netburn authorized Defendant to submit evidence of his financial status *in camera* in support of his argument that he is unable to pay the remainder of the attorneys' fees award (Dkt. 239);

WHEREAS on February 25, 2020, Judge Netburn ordered Defendant to file his *in camera* submission on the public docket with limited redactions (Dkt. 240);

WHEREAS on February 25, 2020, Judge Netburn entered a Certification of Facts, Conclusions of Law, and Proposed Remedy pursuant to 28 U.S.C. § 636(e)(6)(B)(iii) recommending that the Court hold Defendant in civil contempt and order Defendant to pay the remainder of the award, interest at the federal interest rate, and attorneys' fees and costs incurred in bringing the contempt motion (Dkt. 241);

WHEREAS on March 12, 2020, the Court ordered Defendant to notify the Court no later than March 13, 2020, if he wished to have a hearing on the issue of his ability to pay the remainder of the award (Dkt. 253);

WHEREAS as of March 16, 2020, Defendant has not requested a hearing;

WHEREAS the Court has conducted a *de novo* review of the parties' papers and evidence submitted in relation to the motion for a finding of civil contempt, *see* 28 U.S.C. § 636(e)(6);

*JSC Foreign Econ. Ass'n Technostroyexport v. Int'l Dev. & Trade Servs., Inc.*, No. 03-CV-5562, 2006 WL 1148110, at \*1 (S.D.N.Y. Apr. 28, 2006)); and

WHEREAS the Court concurs in and adopts Judge Netburn's findings of fact and conclusions of law without modification;

IT IS HEREBY ORDERED that Defendant is held in civil contempt for failing to comply with the Court's order (Dkt. 149) and Judge Netburn's award (Dkt. 189) to pay Plaintiff reasonable attorneys' fees and costs. Defendant must pay \$13,212.32, plus interest at the federal interest rate, *see* 28 U.S.C. § 1961, no later than **May 16, 2020**.

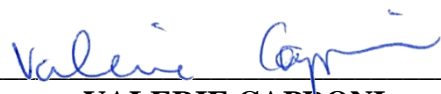
IT IS FURTHER ORDERED that Defendant must pay reasonable attorneys' fees and costs that Plaintiff's counsel incurred in bringing the contempt motion. Plaintiff may make a motion for an award of attorneys' fees and costs no later than **May 16, 2020**.

IT IS FURTHER ORDERED that, if full payment has not been made by May 16, 2020, Plaintiff must move by way of an Order to Show Cause why Defendant should not be jailed or otherwise subject to increasing financial penalties until he complies with this Order, *see Hutto v. Finney*, 437 U.S. 678, 690 (1978) ("Civil contempt proceedings may yield a conditional jail term or fine."); *see also Waterkeeper All. Inc. v. Spirit of Utah Wilderness, Inc.*, No. 10-CV-1136, 2020 WL 377951, at \*4 (S.D.N.Y. Jan. 22, 2020) ("[A] court may . . . utilize all sanctions at its disposal which are reasonably likely to coerce the contemnor of not only the need for compliance but to achieve full compliance." (citation omitted));

The Clerk of Court is respectfully directed to close the open motion on docket entry 199.

**SO ORDERED.**

**Date: March 16, 2020**  
**New York, New York**

  
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**VALERIE CAPRONI**  
**United States District Judge**